REMARKS

OF

SENATOR DOUGLAS, OF ILLINOIS,

IN REPLY TO

SENATOR COLLAMER,

ON

KANSAS TERRITORIAL AFFAIRS.

DELIVERED IN THE SENATE OF THE UNITED STATES, APRIL 4, 1856.

WASHINGTON:
PRINTED AT THE UNION OFFICE.
1856.

SPEECH.

Mr. COLLAMER having concluded his speech on the bill reported from the Committee on Territories to authorize the people of the Territory of Kansas to form a constitution and State government, preparatory to their admission into the Union when they have the requisite population—

Mr. DOUGLAS said: I do not propose to go into a general discussion of this subject to-day; but there are a few points in the course of the remarks indulged in by the senator from Vermont which it becomes my duty to notice. I do not wish to be understood as intimating that, in the general, the senator has not conducted the discussion in a spirit of courtesy and kindness; on the contrary, I take pleasure in saying that he treated the various topics in a temper and good humor worthy of imitation. I agree with him that, in the discussion of great principles of public policy, harsh terms and offensive epithets should not be indulged. But I do not perceive the relevancy of his lecture in the conclusion of his speech against the use of the terms "black republicans" and "black republicanism," which, he fears, is calculated to lower the standing and character of the Senate in the country, and with foreign countries.

Mr. COLLAMER. I did not say that the Senator from Illinois used any term of that kind.

Mr. DOUGLAS. Of course not; neither will my remarks apply to the senator from Vermont. He has said that the word "black republican" has been used, and that it is not well to make the people of Europe imagine or suppose that all those gentlemen who are opposed to the Nebraska bill are black republicans. Let the senator remember that the watchword of the party with which he acts is opposition to the "*dictation and aggressions of the* SLAVE POWER!" The leaders of that party can find no more choice and elegant expressions by which to designate the democratic senators, even in debate here, than "doughfaces and tools of the slave power!"

Mr. COLLAMER. Have I said anything of that kind?

Mr. DOUGLAS. Not at all, sir. It is said by this party that the Nebraska bill was passed through the Senate in obedience to the dictation of the slave power; that, although it received a majority of the votes of all the senators from the North, a majority of the South, a majority of the whig party and a majority of the democratic party in the Senate, they all acted in subserviency to the slave power? Now, would you like to have it go all over Europe, and all over the world, that the Senate is governed by the slave power?

Mr. COLLAMER. I have said nothing of the kind.

Mr. DOULASS. I know that; but the gentleman has been criticising the word "black republican." He says that he did not refer to me when he alluded to it. Then, as I am criticising the use of the word "slave power," and he did not use it, of course I do not refer to him. Why does he complain? We are each speaking in general terms.

Mr. COLLAMER. I used no such term.

Mr. DOUGLAS. The gentleman had a right to criticise the use of the word "black republican," and he says that he did not allude to me.

Mr. COLLAMER. I do not remember to have heard the senator use the term.

Mr. DOUGLAS. Then, why does the gentleman complain of my criticising the use of the word "slave power," when I do not attribute its use to him? I only wish to show that when gentlemen come to read lectures to us about the courtesies of debate they had better criticise and admonish their own political friends. Before senators read lectures to this side of the chamber in regard to the terms which should be used in debate they had better arrest the progress of that species of vituperation and abuse which has been indulged in so freely by their own coadjutors on the other side? These lectures will come with better grace, and we may receive them with more favor, when they shall have been applied to the senators on the other side of the chamber who may have deserved them, and who, it is to be hoped, will profit by them. Let the reformation begin at home. Let them correct their own household before they interfere with ours. However, this course shows that they are consistent with their own professions, at least on the point that they prefer "foreign interference and officious intermeddling with other people's business," as illustrated by the principles of the minority report, to that other principle of "non-intervention" which teaches every community to mind

their own business and let their neighbor's alone, according to the doctrines of the majority report and the principles of the Nebraska bill?

Now, sir, I desire to say a few words upon the point last discussed by the senator from Vermont, in which he assumed that the free-soilers in Kansas organized resistance to the local laws and formed a constitution and State government *only* for the purpose of applying for admission into the Union, and that all their proceedings were *conditional upon their "acceptance and ratification by Congress."* The senator from Vermont seems to be under the impression that the majority of the committee in their report, and I in my speech vindicating their report, have taken the ground that it was no part of the purpose of the free soilers in Kansas, in forming the constitution and State government, to apply for admission into the Union.

Mr. COLLAMER. I understood that to be the leading feature of the report on that point.

Mr. DOUGLAS. Not at all. We show that they took these proceedings with the view of applying for admission into the Union in the first instance; and in the event of their rejection by Congress, with the ultimate purpose of resisting the laws and subverting the government by force and violence which Congress had established in the Territory. Their movement contemplated the two alternatives, and anticipating failure in the first, they resolved that, "in the mean time," they would prepare for the latter by organizing and disciplining military companies, and providing arms and munitions of war! Hence they resolved that they would submit only for a time, while they could try peaceable means by applying to the courts and to Congress; and in the event of failure in the proper tribunals, which event they anticipated and provided against, they would then "RESIST TO A BLOODY ISSUE!" This was their fixed purpose and ultimate design, as proclaimed to the world boldly and fearlessly in the resolutions and proceedings of a convention, composed of delegates from every county in the Territory, at Big Springs, on the 5th and 6th of September.

How does the senator answer that point? By thrusting in the foreground their proposed application to Congress for admission, and carefully concealing the fact that they had resolved, in the event of their application being rejected by Congress, to resist to a bloody issue! He does not deny the undeniable fact that they did resolve to resist the constituted authorities in that event. He does not deny the authenticity of the speech of Governor Reeder in the convention while accepting the nomination for Congress, (as contained in the majority report,) in which he said that, in the event of failure "IN THE PROPER TRIBUNALS," then "there is one more chance for justice;" "God has provided, in the eternal frame of things, redress for every wrong;" that "*there remains to us still the steady eye and the strong arm;*" and that "WE MUST CONQUER OR MINGLE THE BODIES OF THE OPPRESSORS WITH THOSE OF THE OPPRESSED UPON THE SOIL WHICH THE DECLARATION OF INDEPENDENCE NO LONGER PROTECTS."

The language is, "we must conquer!" Whom? Who are the enemies that Governor Reeder and his confederates propose to conquer? The "proper tribunals!"—the courts of justice for sustaining the validity of the laws—the executive officers for maintaining the supremacy of the laws—Congress for refusing to admit Kansas into the Union without *one-third* the requisite population, and with a constitution made by a political party, and presented here with a threat of a "bloody issue" in the event that the Senate and House of Representatives dare to reject the application! These are the "proper tribunals" whose authority is to be resisted "with the steady eye and the strong arm." These are the proper tribunals whose officers are to be conquered, or the free-soilers of Kansas "will mingle the bodies of the oppressors with those of the oppressed upon the soil which the Declaration of Independence no longer protects!"

Did not the senator from Vermont know of this speech of Governor Reeder? Did he not know that the sentiments contained in this speech were endorsed and affirmed in the resolutions of the convention which nominated Governor Reeder for Congress? Did he not know that the very persons who formed the constitution and State government at Topeka voted for Governor Reeder for Congress because of the opinions and purposes set forth in this speech, and his pledge to become their champion and abide their fate? Governor Reeder was elected to Congress upon the platform of principles embraced in this speech and the resolutions of the Big Springs convention. It was this platform, and Governor Reeder's advocacy of it, which induced the whole free soil party—or, as they now call themselves, free State party—to cease their opposition to Governor Reeder, and adopt him as their champion and standard-bearer. It was this platform which brought him to the House of Representatives as a delegate, and to this chamber as a senator, demanding admission on behalf and in the name of those who formed the constitution and State government at Topeka, resolved "to conquer, or mingle the bodies of the oppressors with those of the oppressed upon the soil which the Declaration of Independence no longer protects!" But, in the face of these facts, and with a full knowledge of them, the senator from Vermont tells us that the free State movement in Kansas did not contemplate rebellion or resistance to the authority of this government, but was all dependent upon "the acceptance and ratification by Congress." How does he attempt to sustain his proposition? First, by ignoring and excluding the proceedings of the Big Springs convention, upon the ground that it was out of the line of the history of the free State movement. Secondly, by ignoring and suppressing the entire proceedings of the convention which formed the constitution at Topeka, without assigning any reason for this latter

omission. Were not the proceedings of the convention which formed the constitution within the line of the history of that instrument and the purposes of its makers? But the proceedings of the constitutional convention, as well as the territorial convention at Big Springs, must all be excluded in order to exculpate those who controlled the whole movement from being justly subjected to the consequences of organized resistance to the laws of the Territory, and defiance to the authority of the federal government and its "proper tribunals." The senator from Vermont will listen to no other evidence—will receive none which is not to be found in the Lawrence meeting on the 14th of August, and the convention at Topeka on the 19th of September. It is true that the Lawrence meeting was the first to propose a convention at Topeka. The preamble to the resolution assigned as a reason that "the people of Kansas have been since its settlement, and now are, without any law-making power." The second step in the series of events was the adoption of a resolution by the Big Springs convention approving of the call by the Lawrence meeting, for the *reason* that it "repudiated the acts of the so-called Kansas legislative assembly." By this resolution the movement became general and extended all over the Territory. The Lawrence meeting was a small affair—a mere local town meeting—while the Big Springs convention was composed of delegates from every county in the Territory. Thus it will be seen that the movement, which had its first demonstration in a town meeting at Lawrence, on the plan of treating the legislative assembly which Congress had established in the Territory as a nullity, became general and coextensive with the limits of the Territory by means of the Big Springs convention, *with the distinct understanding that in the event Congress should reject their application for admission they would "resist to a bloody issue."* It also appears from the same proceedings that they so far anticipated the event, now certain to happen, that Congress would reject their application, that they determined then to prepare for "the bloody issue" by recommending to their friends throughout the Territory "*in the mean time to organize and discipline volunteer companies, and the procurement and preparation of arms.*"

I now submit the question to the Senate whether the proceedings of the convention at Big Springs—at which the ultimate purposes of the whole movement are distinctly declared in the event Congress should reject their application—in which provision is made for organizing and disciplining military companies in every county of the Territory, and for procuring arms and munitions of war in anticipation of that probable event—are so far outside of the line of the true history of the free State movement that it is irrelevant and improper to bring them before the Senate as illustrative of the real objects and ultimate designs of those who originated and controlled them? I considered it more respectful to the Senate, and consistent with a fair and impartial exposition of the subject, to present all the material facts calculated to shed light upon its true character and ultimate objects, than to withhold and keep out of view the larger portion of them. The senator from Vermont thought otherwise, and prepared the minority report accordingly. Let the Senate decide between us. But I have been as much surprised at the reasons assigned by the senator from Vermont for excluding the proceedings of the Big Springs convention as I have been at the act itself. The reasons are that the convention at Big Springs, although representing every county in the Territory, was a party convention, composed of and representing only the free State party, and hence its proceedings ought not to be considered as a fair expression of the opinions of the whole people of Kansas. Was not the meeting at Lawrence on the 14th of August a party meeting in the same sense? True, they called it a "people's meeting." But were there any people there except free State men or abolitionists? Were any others invited or expected? Was not the convention at Topeka on the 19th of September a party meeting in the same sense? Was it not composed avowedly and exclusively of free State men with as much certainty as the Big Springs convention? Did it not assemble in pursuance of the call made at Lawrence, and endorsed at Big Springs, and for the well-known and avowed purpose of carrying out the objects disclosed in the proceedings of both of those meetings or conventions? How, then, can you separate them, and call the one a party meeting and the others people's meetings, when they were composed of the same persons, and assembled for the furtherance of the same common object, although they may at times have passed under different names? Was not the convention which assembled at Topeka on the fourth Tuesday of October, and formed the constitution, also a party convention in the same sense? Was not the whole movement, in all its parts, from its incipient steps at Lawrence on the 14th of August to the organization of a *bogus* legislature and the inauguration of a mock governor at Topeka on the 4th of March, a party movement? If, then, the senator from Vermont is right in excluding the proceedings of the Big Springs convention upon the ground that it was a party convention, and hence disqualified from participating in the formation of a constitution and State government, he must reject and suppress the whole movement for the same reason! But the senator from Vermont was not content with excluding the proceedings of the Big Springs convention, in order to exculpate his freesoil friends in Kansas from the crime of meditating rebellion and treason against the United States. He was enabled to brush those proceedings out of his way, upon the assumption that they were the acts and doings of a party, and not of the whole people, and, consequently, not within the true line of the history of this free State movement. But still there remains directly in his path, and staring him in the face, the proceedings of the convention which formed the constitution with which he proposes to bring Kansas into the Union as a State! The proceedings of that constitutional convention are equally fatal to the position he has assumed for exculpating the authors of these revolutionary

movements. Copious extracts of these proceedings are set out in the majority report, and were referred to the other day in my speech, for the purpose of showing that the constitution was formed expressly with the view of putting the State government in immediate operation, in conflict with the Territorial government, without waiting for the action of Congress on their application for admission. The question was distinctly made upon a resolution of instruction to the committees, and after full debate was decided in the affirmative, and the constitution formed accordingly. In the debate Mr. Delahay, who has since been elected to represent the new State in Congress, opposed the proposition upon the ground that it did constitute an act of "rebellion." On the other hand, the friends of the proposition defended it as a revolutionary right, sanctioned by the example of our fathers in the Declaration of Independence, and declared that they would not "wait an hour for the action of Congress." In view of these facts, was it not prudent in the senator from Vermont to maintain an ominous silence in respect to the proceedings of the constitutional convention? He could not have produced these facts either in his report or his speech without annihilating every proposition which he assumed as the basis of his defence of his freesoil friends in Kansas. He could not have referred to these facts without betraying a consciousness that they had resolved on "rebellion" against the authority of the United States. He could not make the excuse, as in the case of the Big Springs convention, that the proceedings of the convention which formed the constitution were outside of the line of the history of that instrument, and hence furnished no evidence of the intentions of its makers. He could avail himself of none of these modes of escape; and, consequently, there was no other course left open to him except to pass over the proceedings of the constitutional convention in silence, and then draw conclusions directly the reverse of those to which he would have been driven had he presented the whole history of the movement. Who can fail to admire the prudence which dictated this ominous silence on a point so important as to be conclusive of the matter in controversy?

The senator from Vermont desires to know what the secret military organization had to do with the questions under discussion. I will inform him what it had to do with them. It will be recollected that the Big Springs convention resolved to "resist to a bloody issue" so soon as peaceable remedies should fail, and, in anticipation of such failure, recommended to their friends throughout the Territory, "in the meantime," to procure arms and munitions of war. Inasmuch as this recommendation has not been *publicly* executed, it was important to know by what *secret* means the military had been organized and disciplined, and such large quantities of Sharpe's rifles, and cannon, powder, and lead, and other munitions of war, had been provided. Hence the importance of exposing this secret military organization, called the "Kansas Legion," and showing the revolting and profane oaths by which all its members were bound to fight in a common cause, obey secret signs, unknown to their fellow-citizens, and to vote at all elections for such candidates as the secret order should dictate, thus placing the whole power of the Territory, civil and military, together with the lives and property of all the inhabitants, at the mercy of a secret body of armed men, who met and laid their plans in the dark hour of the night, when honest and unsuspecting men should be asleep. It illustrates the true character of the whole movement. It shows that it possessed all the attributes of a *conspiracy*—that its aim was to subvert, by violence and fraud, the government which Congress had established in the Territory, instead of peaceably assembling to petition for the redress of grievances.

The senator says also that there is no evidence at all that this secret military legion, which he tries to ridicule, had any connexion with the State movement whatever; that they were not the same men.

Mr. COLLAMER. I said that I did not know whether they were or not.

Mr. DOUGLAS. I will tell you how to ascertain it. In the charter of the legion appointing persons to form new lodges you find the name of "J. K. Goodin as grand quartermaster." In the Big Springs convention you find the same J. K Goodin. And again you find his name in the proceedings of the convention at Topeka; so with many other names which figure conspicuously and alternately in the secret army and in the public meetings and conventions.

Hence the senator could have known, if he had taken the pains to have investigated the matter, that the secret military organization and the public meetings and conventions to which I have had occasion to refer so often, were managed and controlled by the same body of men for the accomplishment of a common object. I now submit the question to the judgment of the Senate, whether I have not fully sustained the position that these movements in Kansas were revolutionary in their character, having for their object the subversion of the territorial government established by Congress by a resort to force and violence, in the event that peaceable measures should fail to accomplish their objects? The senator from Vermont attempts to break the force of my argument, and at the same time excuse himself for withholding the most important portion of the evidence by retorting on me that I have not set out the proceedings of those meetings and conventions in full in the majority report. He does not complain that I have not given a fair abstract of the proceedings of each; but the allegation is that I have not incorporated into it all the speeches, resolutions, proclamations, addresses, and unimportant details, which would have made a vast mass of useless and confused matter, and swollen the report to such an extent that it would never have been circulated, much less read. I made a fair abstract of each case, and incorporated into the

report so much as was necessary to convey to the Senate and country a distinct idea of the real character and nature of the transaction. With the same view he refers to the fact that I did not set out the whole volume of laws enacted by the Kansas legislature, and which have been ordered to be printed with the other papers transmitted to the Senate by the President. These laws alone constitute a volume as large as the one I hold in my hand, [holding up a volume of the United States Statutes at Large, containing more than a thousand pages.] For what purpose would he have me incorporate those laws in the report? The report expressly states that the committee did not deem it any part of their duty to examine those laws in detail, for the reason that they were local statutes, confined in their operation to the Territory of Kansas, which the legislature of the Territory might alter or repeal at pleasure. Of that large volume of laws, affecting almost very relation and interest in life, I have heard but two complained of as being either unjust or oppressive. Is it not a curious fact that none of the disturbances or violence which have occurred in Kansas have arisen under either of these laws—the election law and the slavery law—although these are constantly referred to as furnishing excuses for resisting other laws, with which they have no connexion? If a man is arrested for murder, and is rescued from the officer by an armed mob, the excuse is that the legislature passed an odious law upon the subject of slavery! If a lawless person is arrested for burning his neighbor's house, and is rescued from the officer, the justification is found in the fact that the legislature enacted an election law which the rioters did not like! Whenever a free-soiler or a member of the secret military organization is arrested for a breach of the peace, or for crime against laws which are held to be necessary and proper in all civilized countries, and is rescued from the officer, the excuse is that the election law and slavery law are odious and oppressive! I repeat the question, is it not a remarkable fact, that while these two laws are made the excuse for resisting all the laws in the Territory, no case has ever arisen under either of the statutes complained of—no man has ever been charged with a violation of either—no prosecution has been instituted under either of them? The reason is, that they are not understood in the Territory to bear the construction which the free-soilers here desire to place on them, in order to render them odious, for party purposes. The senator from Vermont complains that in the majority report I have inserted an extract from the address of a law and order convention held at Leavenworth in November last, and composed of men of all parties, "whigs and democrats, free State men, and pro-slavery men," who were in favor of suppressing violence and maintaining the supremacy of the laws. That meeting was presided over by the governor, assisted by a majority of the judges of the supreme court of the Territory, and the United States district attorney and marshal participated in the proceedings. I thought it more consistent with fairness and impartiality to give the construction placed on those laws by those whose duty it is to expound and execute them than to adopt the construction which is sought to be put on them here for partisan purposes. Is it not fair to presume that the judges, governor, district attorney, and marshal will expound and execute them in the same sense in which they explained them on that occasion? What is the objection to having them expounded and executed in that mode? None that I can conceive of, except that it deprives the anti-Nebraska party of the opportunity of making political capital for the presidential election! The construction put on those laws by those whose official duty it is to construe them authoritatively, deprives them of nearly all their objectionable features. Why not allow that construction to prevail, and thus render them harmless, if not useful?

Mr. COLLAMER. I have given no construction; I stated the laws themselves.

Mr. DOUGLAS. I understand what the senator has done. He has stated a part of each of those laws and omitted the residue. He has placed a construction upon the parts stated by him directly the reverse of that given by the constituted authorities of the Territory, and by this mode of reasoning arrives at the conclusion that they are intolerably oppressive! If his construction of them makes them so very objectionable, why not take the exposition given by the judges and governor? Let this be done, and the people of the Territory will be relieved from all apprehensions, if, indeed, they ever entertained any, that those laws would be executed in a way that would be injurious to their interests, obnoxious to their feelings, or violative of their rights.

But I will not pursue that point further There is another which I deem more important. I think I have said enough to show that this movement in Kansas is a revolutionary proceeding to overthrow the territorial government in defiance of the authority of Congress. The senator from Vermont has sought to find precedents in the cases of Tennessee, Arkansas, or some other new State, under whose example he hopes to shelter his free-soil friends in Kansas. He says that these States and some others formed their constitutions without the previous assent of Congress, and were received into the Union notwithstanding that objection. That is all very true. But no one of those cases can be cited with any propriety as a precedent, justifying or palliating the revolutionary proceedings in Kansas. Each of those cases is reviewed in the majority report, and the facts clearly stated, which show that *in every instance the proceedings were had in strict obedience and subordination to the existing territorial government, and conditioned upon the decision of Congress.*

I wish to be distinctly understood upon this point. Tennessee, Arkansas, Michigan, Florida, and California formed their constitutions, and took the preparatory steps to seek admission into the Union, without having first obtained the assent of Congress to do so. Of

these, all but California were duly organized under territorial governments established by Congress, and California had a government *de facto*, which was recognized by the government of the United States, and administered under its sanction and direction. In each of these cases the movement for a State government was made under the direction of the existing territorial government, and in subordination to its authority. I repeat, therefore, that there is no instance in the whole history of our country which can be tortured into a precedent, with even the appearances of fairness, to justify the attempt in Kansas to set up a State government in conflict with the existing territorial government, and for the purpose of overthrowing it in defiance of the authority of Congress Herein consists a material and fatal point of difference between the Kansas case and each and every other case which has arisen during the whole history of this republic This radical and fatal point of difference is clearly and conclusively demonstrated in the majority report, and especially pressed upon the consideration of the Senate, and particularly upon the senator from Vermont, in my speech the other day; in answer to which he has devoted so much of his speech to-day. Under these circumstances, is it not remarkable that he should pass over in silence this fatal point, both in his report and in his speech? Did he forget it? Did he overlook it? Was not his attention especially called to it? He cited these cases to show that other Territories had formed their constitutions without the previous assent of Congress—a fact well known to the Senate, a fact set forth in detail in the majority report and in my speech, together with this other fact, which is so fatal to his position that, *in every other case, the State movement was in subordination to the territorial authorities.* Why spend so much time, and put forth such great efforts, to prove a fact which is conceded, and to conceal from view this other fact, upon which the whole argument rests?

It is true that the senator from Vermont quotes one paragraph from the opinion of Attorney General Butler in the Arkansas case, to the effect that the territorial legislature possessed no authority to authorize the formation of a constitution and State government without the assent of Congress; but he might, and I think ought, in fairness, to have quoted another paragraph from the same opinion, that the people might proceed, under the Constitution of the United States, peaceably to assemble and petition government for the redress of grievances, and in their petition might include a constitution for a State government, with this important proviso, which the senator did not deem it material to bring to the attention of the Senate, but which I will now read:

"*Provided, always, That such measures shall be* COMMENCED *and* PROSECUTED *in a peaceable manner*, IN STRICT SUBORDINATION TO THE EXISTING TERRITORIAL GOVERNMENT, *and in entire subserviency to the* POWER *of Congress to adopt, reject, or disregard them at their pleasure.*"

Had the senator quoted this proviso in connexion with what he did say on this point, comment from me would have been unnecessary. These extracts clearly prove, so far as the legal opinion of Benjamin F. Butler can be deemed authority, that the proceedings in Kansas are revolutionary, and, when carried to the ultimate purpose, will constitute an act of open and undisguised rebellion!

I will now pass from this point to another of still graver import. The senator from Vermont has repeated, with an air of seriousness, the old and exploded story that "Kansas has been conquered and a legislature forced on her by violence!" He fancies that he has made a discovery; that he has opened a new mine, rich with proofs; that Kansas was invaded and conquered by large bodies of armed men from Missouri. His proofs consist in the fact that Governor Reeder caused a census to be taken in February, 1855, from which it appeared that there were a little more than 2,900 legal voters—say 3,000 in round numbers—in the whole Territory, whereas the returns of the election on the 30th of March of the same year show that about 6,200 votes were polled. From these facts he infers and gravely argues that the difference between 3,000 and 6,200 was the exact number of illegal votes cast by persons from Missouri, who composed the invading army. This is ingenious and plausible at first view, but can it be satisfactory to the mind of any impartial man who has studied the history of that transaction? It is well known that emigration to Kansas commenced in the summer of 1854. Large numbers of emigrants from the western States had gone the year previous, in anticipation of the organization of the Territory, but being stopped on the border by the Indian agents and United States troops, whose duty it was to obey the orders of the proper department in executing and enforcing the Indian-intercourse laws, which were still in force in that Territory, and by the terms of which all emigrants and settlers were to be kept out of the country, these emigrants took up a temporary residence in the western counties of Missouri, waiting for the passage of the Nebraska bill. So soon as they received the news that the country was open to settlement they made their arrangements to move across the line, and to make choice of the best locations for their future homes. In the course of the summer and fall others followed from Iowa, Illinois, Indiana, Kentucky—in fact, from all the northwestern and southwestern States. The first companies sent out by the New England Emigrant Aid Societies arrived in July and August, and others followed at short intervals until winter set in. When winter came upon this large mass of men, and closed the navigation and cut off their supplies, they found themselves without adequate shelter, and many of them without any houses or shelter to protect them against the severity of the climate, and without food or the means of subsistence for themselves or their animals. They had gone there to become settlers and permanent inhabitants; had selected and staked out their

claims; some had erected shanties or cabins in which they could stay until they could build houses for themselves and their families to live in; but scarcely any of them entered the Territory early enough in the season to raise a crop, while a vast majority came too late to make adequate arrangements for shelter and food during the winter. Under these circumstances, a large majority of the emigrants, after selecting and marking their claims to the land upon which they intended to make their improvements, returned to their old homes, where they had left their families, in Missouri, Iowa, Illinois, Indiana, Kentucky, and other western States, with the view of going back to Kansas in the spring with their families. These facts are well known to the senators from the western States. I ask the senator from Iowa if such was not the course pursued by the emigrants from his State?

Mr. JONES, of Iowa. Certainly, it was.

Mr. DOUGLAS. I might propound the same inquiry, and receive a like answer from every western senator. The facts are well known and notorious throughout the western States. The emigrants from the eastern States and other remote portions of the Union, who could not conveniently return to their old homes to spend the winter, were under the necessity of seeking shelter and food in the nearest settlements and border counties of Missouri. The Emigrant Aid Societies of New England expended large sums in purchasing hotels and renting boarding houses in the border towns within the State of Missouri, with the view of furnishing accommodations for their people, whom they had sent to Kansas without the means of obtaining houses and food, and sustaining life during the first winter. These things all resulted from the necessity of the case. The emigrants had arrived in the Territory too late in the season to plant corn, sow wheat, and raise a crop. For these reasons they could not remain in the Territory during that winter, and, consequently, sought shelter and food elsewhere, with the view of returning in the spring, and becoming actual settlers and inhabitants of the Territory. It is not surprising, therefore, that when the governor caused a census to be taken in mid-winter—in the month of February—he found only three thousand legal voters in the whole Territory. It is more surprising that he should have found one-half of that number; while, if he had taken the census three months earlier, or three months later, he would, in all probability, have found three times that number of legal voters—emigrants who had come to Kansas with the view of remaining and becoming permanent inhabitants, but who had been forced to leave in search of food and shelter, and who did return to the Territory and become actual settlers when the winter was over. The misfortune was that the governor should have taken the census in the middle of winter, when three-fourths of the emigrants were necessarily absent, and should have ordered the election, on a short notice, to be held on the 30th of March, before they could all return. It was also unfortunate that the first notice which the emigrants in western Missouri received of the time when the election was to be held came from Boston, through the agents of the Emigrant Aid Societies. This fact was calculated to excite suspicions that there might be a secret understanding between the governor and those societies, by which unfair advantages might be obtained by sending forward large bodies of emigrants to ascend the Missouri river on the first boats after the opening of navigation, and to arrive in Kansas just in time to vote at the election on the 30th of March. The proclamation was dated on the 8th of March, ordering the election to be held on the 30th of the same month; thus allowing but twenty-two days for the emigrants to return and vote. A portion of them did return—probably most of those who had spent the winter in Missouri and Iowa—while many who were more remote from the scene of operations did not get the notice in time to make their arrangements and arrive in Kansas until after the election. Hence it is very probable that for two or three days previous to the election, and perhaps on the morning of that day, at certain points along the border, and particularly where the ferries crossed the river, there may have been witnessed a scene bearing some resemblance to an invading army rushing into Kansas to vote; and many of them may have returned the next day, as has been alleged, to their boarding houses or their former homes, there to remain until the spring was fairly opened, when they could take their families with them to the Territory, and improve their lands which they had selected for their future homes the previous fall. But is it fair to assume, without evidence and in opposition to the known facts of the case, that all these persons were citizens of the State of Missouri, marching into Kansas to control their elections by fraud and violence? Would it not be well to ascertain how many of them had been sent from New England by the Emigrant Aid Societies the previous year? how many were emigrants to Kansas from Pennsylvania and Ohio —from Indiana, Kentucky, and Tennessee? I do not hesitate to venture the opinion, from the facts which have come to my knowledge, that it would be found, on a thorough investigation, that every State in the Union contributed its quota to make up the bodies of men who went from Missouri into Kansas to vote at that election. There may have been, and doubtless were, some persons among them who were not entitled to vote, and ought not to have been permitted to vote, at that election—persons who had not previously been to Kansas with the view of becoming permanent settlers—but this class of persons was undoubtedly small compared to the whole number, and was divided in a greater or less degree between the two contending parties. It was not a question between free-State men and pro-slavery men, but between the abolitionists and free-soilers, rallying under the banner of the Emigrant Aid Societies on the one hand, and the advocates of non-intervention and the principles of self-government, according to the Nebraska bill, on the other. On that issue I have good autho-

rity for saying that a large majority of the emigrants from Illinois, and the other northwestern States, voted with the pro-slavery men in preference to voting with the abolitionists and Emigrant Aid party. They voted thus, not because they were in favor of making Kansas a slave State, but for the reason that they were opposed to abolitionism in all its forms and phases, and were determined that the political destinies of Kansas should never be committed to the keeping of the Emigrant Aid and abolition party by their votes. It was in this as is usually the case in all exciting struggles, that the most extreme and ultra men in each party obtained the control of their respective parties, and, in the hour of triumph, the successful party exercised its power in a manner not entirely satisfactory to those who had turned the scale and gave them the victory. Notwithstanding their disapproval of some of the acts of the Kansas legislature, these same men, believing the Constitution of the United States is the supreme law of the land, and should be obeyed as such, would prefer another victory in the hands of the same party rather than allow the abolitionists and Emigrant Aid Societies to govern the Territory.

But I find that I am digressing from the line of my argument, and must return. I think I have adduced facts enough to satisfy every unbiased mind that the disparity between the number of legal voters returned by the census in February and the number of votes polled on the 30th of March does not raise or authorize the slightest presumption that Kansas was invaded and conquered by citizens of Missouri. There may have been illegal votes cast, and probably were, on both sides. In a few precincts or election districts the number may have been sufficient to have materially affected the result. The governor decided such to have been the case in seven of the eighteen districts, but not in the other eleven. The senator from Vermont assumes that the majority report admits the invasion and conquest as to the seven districts, and then argues that, inasmuch as those seven districts elect nine representatives out of twenty-six members of the legislature—which, being more than one-third, might sustain the governor in the proper exercise of the veto power—this fact of itself is sufficient to induce us declare the whole void and the acts of the legislature invalid. That senator labors under several mistakes in making this assumption. In the first place, we have never admitted, and do not believe, that the legal voters even in those seven districts were overpowered and subjugated by violence and intimidation as alleged. There were, doubtless, irregularities to a greater or less extent at several of the polls, and, inasmuch as the governor adjudged them all bad, and ordered new elections in those seven, while he adjudged the elections all fair and legal in the other eleven districts, I did not feel disposed to make an issue with him on a point, which could not change the result, since, by the governor's own decision, a large majority of the members of both houses of the legislature were fairly and duly elected. The senator from Vermont labors under a mistake, also, when he supposes that the setting aside the returns and ordering a new election in those seven districts changed the seats of nine members—being more than one-third of the house. He forgets that, while those seven districts elected nine representatives, three of the persons who were elected at the first election, on the 30th of March, were re-elected at the second election, on the 24th of May, when there was no pretence of an invasion or conquest. Hence, it made no difference to them which of the two elections was held valid, for they had received a majority of the votes at both, and held the governor's certificate under the last election. Thus the number is reduced from nine to six, which, being less than one-fourth of the whole number, could not affect the exercise of the veto power, and renders the objection invalid on the ground assumed by the senator from Vermont.

In view of these facts, I ask where is the authority for impeaching the whole legislature, or for questioning the validity of its acts? Where is the authority for saying that the people were subjugated in most of the districts? The senator from Vermont quotes Governor Reeder to prove it. I have quoted Governor Reeder under oath to prove the contrary. I have shown, by his official acts, that he did not believe a word of it while he was governor. He never dreamt that the people of Kansas had been subdued and conquered until after he was turned out of office for his Indian speculations. He recognised them as a legislature duly elected and organized, fully competent to enact laws which would be binding upon the people of Kansas. He awarded to all men the privilege of contesting the election of each member before the certificate issued. Contests were had before him, and he decided each case upon the facts presented. He set aside the returns in seven districts; he confirmed them in eleven. Hence the presumption is, that, if there had been frauds in the other eleven, somebody would have come forward with their complaints. Inasmuch as you could not find ten men to sign a remonstrance, and one man to swear to it, in the other election districts, the fair presumption is that there were no such frauds in those districts as would authorize him to set them aside.

The senator from Vermont now says that the reason why the election was not contested in one of those districts was because the messenger who was sent with the protest did not reach the governor until it was an hour too late. I am much obliged to him for that statement. He tells us in the minority report that they were so intimidated and subdued and frightened by violence that they dared not do it.

It seems that they got over their fright, and now the author of the minority report has got over his, so far as to find that they did dare to protest and contest. They did it in seven districts. They tried to do it in one more, but were an hour too late. Why did they not

try in the other ten districts? Evidently for the reason that there were no facts upon which they could do it.

Now, let us look at the evidence. I called attention in the majority report, and also in the remarks which I made the other day, to the fact that the legislature, when it assembled at Pawnee, three months after the alleged invasion, passed a resolution authorizing any man who chose to contest the seat of any member in either house. Men did come forward to contest the seats of seven of the members then present, but they did not contest the others. Did they not know at that time, three months subsequent to the election, that Kansas had been conquered? Governor Reeder did not know it. Why? He addressed a message to the legislature in which he invoked the blessings of Heaven upon those very men there assembled while engaged in the performance of their high and patriotic duties! He recommended them to pass laws on all rightful subjects of legislation. Did not the six abolition members who were elected at the second election, and who then held seats in the house under the governor's certificate, know that Kansas had been conquered? Did not the representatives from Lawrence know it? Did not the abolition representative elected at the first election, Mr. Houston, from Pawnee, know it? Yet when you look through the reports, both of the majority and minority, of the legislative committee, you find that in that contest before the legislature there was no pretence that fraud or violence had been practised outside of the seven disputed districts. Is it not singular that it should remain a profound secret until they determined to form a State government, and overthrow the existing territorial government established by Congress?

Mr. President, I have said enough to bring back the points to the position in which I left them in my former speech. I am not going to follow the senator from Vermont through all his criticisms on the majority report. They are not of a character which call for a reply at this time, nor would it be fair to detain the Senate for that purpose at this late hour.

The senator from Vermont has explained what he meant by the word "experiment" in his minority report—the natural, and perhaps unavoidable, consequence of which would be violence and bloodshed. He says he alluded to the experiment of the Nebraska bill, by which the question of slavery was, for the first time in our history, left to the decision of the people. What is the objection to leaving the decision of that, as well as all other local and domestic questions, to the people who are immediately interested in it?

His objection is that it has a tendency to bring opposing elements and inflammable materials into collision from which violence may be apprehended. Does not the same objection apply to all other questions which involve the interests and excite the passions of men as well as the question of slavery? Does it not apply to the Maine liquor law, to railroad controversies, to taxation, to schools, to the location of county seats, to the division of counties? in short, does it not apply to all questions of legislation which affect the property and enlist the feelings and passions of the community? If the objection be a valid one against the Nebraska bill in respect to the slavery question, it applies in a greater or less degree to every other subject of legislation in proportion as it affects the interests and feelings of the people. It is an objection to the fundamental principles upon which all free governments rest, and which, when admitted to be valid, drives us irresistibly to despotism. The argument is that the people should not be permitted to vote upon a question involving their social and domestic system, lest there might arise a diversity of opinion which might possibly degenerate into quarrels and controversies, and terminate in violence! Hence, it would seem to follow, that if the people were allowed any voice in making their own laws it should be confined to those insignificant questions in which they feel no interest, and in regard to which there could be no probability of a diversity of opinion! Precious boon—to allow the people to vote when they feel no interest in the question, and deny them the privilege when they do, for fear they will differ in opinion and become excited about it! This is "the experiment"—"the vice of a mistaken law"—to which the senator from Vermont traces all the difficulties in Kansas! He seems to be under the impression that this "experiment" is now introduced into our legislation for the first time in respect to the slavery question by the Nebraska bill! He makes the Nebraska act a far more important measure—one reflecting infinitely more credit upon its author than I ever claimed for it! I was under the impression that the same principle, or experiment, as he prefers to call it, was involved and affirmed in the compromise measures of 1850, and incorporated into the platforms of the whig party and of the democratic party at Baltimore in 1852, as a rule of action by which each party pledged itself to be governed in all future controversies upon the slavery question. Did not the acts for the organization of the Territories of Utah and New Mexico try the same "experiment?" Were not those acts based on the same principle? Did not those acts "leave the people perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States," with the guarantee that, when admitted into the Union, they should be received "with or without slavery," as their constitution should provide at the time of admission? Did violence and bloodshed result as the natural, and perhaps unavoidable, consequences of this experiment in 1850? Have any such consequences resulted from the same experiment in Nebraska in 1854? If violence and bloodshed are the natural consequences of such an experiment, why have not the same causes produced like effects elsewhere as well as in Kansas? I would like to have this inquiry answered by the senator from Vermont, or by the senator from New York, (Mr. SEWARD,) who has endorsed his report and pledged him-

self to make good its positions. I will give them the benefit of my answer now. There were no Emigrant Aid Societies in 1850. There were no organized systems of foreign interference in either of those Territories? The Emigrant Aid Societies have not extended their operations to Nebraska! The "experiment" of self-government—that "vice of a mistaken law"—has had fair play in Nebraska; hence nothing has occurred in that Territory to disturb the peace and quiet of the inhabitants. On the contrary, in Kansas, where there has been organized foreign interference—where the Emigrant Aid Societies concentrated all their efforts to control the domestic institutions and local legislation of the Territory—violence and bloodshed have resulted as the natural consequence, not of the "vice of a mistaken law," but of their experiment of foreign interference with the domestic concerns of a distant Territory!

But the senator from Vermont has made one concession for which I return him my acknowledgments. He admits that, by the Constitution of the United States, each State has a right to decide the slavery question for itself, and that this right could have been exercised by the people of Kansas when they should form a constitution, preparatory to their admission into the Union, even if the Nebraska bill had not repealed the Missouri compromise. I thank him for this admission. I hope those with whom he acts will endorse the proposition. Then I would like to have him and them explain what harm the repeal has done, and why they desire to have it restored? If Kansas could have become a slave State before as well as now, what is the use of restoring the Missouri compromise?

Mr. SEWARD. The honorable senator will excuse me for calling his attention to a misapprehension under which he labors with regard to the remark of the senator from Vermont, who is now absent, which is the only reason why I interpose.

Mr. DOUGLAS. I yield the floor with pleasure.

Mr. SEWARD. I heard a large portion of the senator's speech, and I did not understand him to say that a State would have the right to come into the Union with or without slavery, as her people pleased, if the compromise act had not been repealed. I understood him to say that, after coming in, it would have the right to establish or prohibit slavery.

Mr. TOOMBS and several other senators. No, no.

Mr. DOUGLAS. On the contrary, he took the distinct ground that a State, when its people assembled to form a constitution, preparatory to admission, had the right to come in with or without slavery, even under the Missouri compromise.

Mr. SEWARD. I did not hear that.

Mr. DOUGLAS. My colleague came to the same conclusion the other day in his speech. We seem to be making converts to the true doctrine. It is a sound constitutional principle. If we get men to admit that a State has the right when she forms her constitution either to have slavery or not, to adopt or reject it, as she pleases, it is a pretty good step towards the doctrine of the Nebraska bill. When that admission is made, I want to know what you all mean when you talk about a breach of faith in the repeal of the Missouri compromise? You have all been in the habit of saying on the stump, and wherever else you had the opportunity, that by the Nebraska bill we had broken a covenant which dedicated Kansas and Nebraska to freedom "FOREVER." We are now told that "forever" means "hereafter," and lasts only until there are people enough to form a State, and that no particular number is required for that purpose.

The senator from Vermont attempts to ridicule the Nebraska bill because it contains a provision declaring the Constitution of the United States to be in force in the Territory. He desires to know who ever doubted that such would be the case without that provision? Who was ever silly enough to suppose that the constitution could be extended by law over a Territory which it did not reach without such law? I will answer his question. I will tell him the man. It was no less a person than Daniel Webster—New England's great statesman, whom she delighted to call the great expounder of the constitution. Senators who were then members of this body have not forgotten, and will not soon forget, the debate between Mr. Webster and Mr. Calhoun upon this very point, in which the former contended that the Constitution of the United States did not extend over the Territories without an act of Congress to that effect; while, on the other hand, the great Carolinian insisted that the constitution was coextensive with the limits and covered all the Territories pertaining to the republic. Without endorsing the peculiar opinions of Mr. Webster on this point, Mr. Clay did not hesitate, in deference to them, to adopt, in the Compromise of 1850, the identical provision which the senator from Vermont now attempts to ridicule, under the supposition that I introduced it into the Nebraska act for the first time in our legislation. I copied the provision from the compromise measures of 1850 for the same reasons which induced Mr. Clay to adopt it, although it is but fair to say that I never did concur in the opinion of Mr. Webster that the constitution did not apply to the Territories without an act of Congress carrying it there.

Mr. President, I have a few words to say to the senator from New York [Mr. Seward] before I close my remarks. On the day I presented to the Senate the report of the Committee on Territories, and immediately after the minority report was read at the Secretary's desk, he rose and volunteered the pledge that he would make good every position affirmed by it. As he has the floor for the next speech upon this question, he will be expected to redeem this pledge, or acknowledge his inability to do so. One of these positions is, that the "experiment" of allowing the people to settle the slavery question for themselves in Territories

preparatory to their admission into the Union was introduced into our legislation for the first time in the history of this republic in the Kansas-Nebraska act; and that, if violence resulted from this experiment as a natural, and perhaps unavoidable, consequence, it was the "vice of a mistaken law." I call on the senator from New York to sustain the truth of this allegation. I desire him to answer specifically whether the compromise measures of 1850 did not leave the people of New Mexico and Utah perfectly free to decide the slavery question for themselves, and guaranty their admission into the Union with or without slavery, as their constitution should provide at the time of admission? I ask him if he did not oppose the bills for the organization of those Territories at that time, for the reason that they did not contain the Wilmot proviso, prohibiting slavery, and for the reason that they did contain the guarantee that they should be admitted with or without slavery, as they should decide for themselves? When he answers this question, I would like to have him explain at the same time whether he did not stand pledged in 1852 to sustain the whig Baltimore platform, and to support General Scott, standing on that platform "with the resolutions annexed," to use his emphatic language; and whether those resolutions did not bind General Scott, and the party supporting him, to carry out in good faith the compromise measures of 1850 "in substance and in principle?" I desire a direct answer on these points, in order that the Senate may judge how far he redeems his pledge to make good the positions of the minority report. I would like to have him explain the difference between the "experiment" of the compromise measures of 1850 and of the Kansas-Nebraska act of 1854, in allowing the people to decide the slavery question for themselves, and whether that principle in each case was equally the "vice of a mistaken law?" If he shall answer that he did regard both measures in the same light, I should be gratified if he will explain how it was that he united with the whig party in 1852 to sustain the "vice of that mistaken law," and now calls upon all the odds and ends, fragments and portions, of parties and isms, to merge all differences on other points, and form a *fusion* with him on the isolated point of eradicating this "vice of a mistaken law" in the name of freedom and humanity? While he is portraying the beauties of negro freedom and equality, and demonstrating the propriety of sacrificing the political and constitutional rights of 20,000,000 of white people for the benefit of 3,000,000 of negroes, I would be glad if he would point out the advantages which the negro will derive from the admission of Kansas with the Topeka constitution. That constitution provides that as long as Kansas shall be a State, as long as water runs and grass grows, no negro, FREE or *slave*, shall ever live or breathe under that constitution.

Mr. SEWARD. Does the senator wish me to answer now?

Mr. DOUGLAS. Yes, sir.

Mr. SEWARD. Then, my answer is, that, such being the constitution, he is wrong in his premises that I am desirous to admit the State of Kansas for the benefit of the negro. It must be for the benefit of the white man.

Mr. DOUGLAS. Am I to understand the senator that he has abandoned the cause of the negro upon the ground that his freedom and equality are inconsistent with the rights of the white man? What has become of his professions of sympathy for the poor negro? What are we to think of the sincerity of his professions upon this subject?

Mr. SEWARD That is another thing.

Mr. DOUGLAS. That is the very thing. If all other considerations are to be made to yield to the paramount object of prohibiting slavery in Kansas upon the ground that the inequality which it imposes is unjust to the negro, will that injustice be removed by adopting a constitution which in effect declares that the negro, whether free or slave, shall never tread the soil, nor drink the water, nor breathe the air of Kansas? The senator from New York admits that the constitution with which he proposes by his bill to admit Kansas contains such a provision. Under the code of laws enacted by the territorial legislature of Kansas, which the senator, in common with his party, professes to consider monstrous and barbarous, a negro may go to Kansas and be protected in all his rights, so long as he obeys the laws of the land. In order to get rid of those laws, the senator from New York proposes to give effect to a constitutional provision which is designed to prevent the negro forever from entering the State!

I should like to hear from the senator from Massachusetts on this point. I believe he took particular pains a few years ago to arraign the State of Illinois for inserting a similar clause in her constitution

Mr. SUMNER. Never

Mr. DOUGLAS. Well, perhaps it was his predecessor, [Mr. Winthrop.] Upon reflection, I think it was. I recollect that it once became my duty to vindicate the right of my own State to insert such a clause in her constitution against the assaults of a Massachusetts senator. Had the present senator been here at that time, and found it necessary to have spoken on the subject, is it assuming too much to venture the opinion that he would have joined in that condemnation?

Mr SUMNER. I should condemn it, certainly.

Mr. DOUGLAS. Then, will the senator approve in the constitution of Kansas what he condemns in the constitution of Illinois? I would like to hear the senator's response to this inquiry. If such a provision was wrong in Illinois, is it right in Kansas? Had not the democratic State of Illinois as good a right to adopt such a provision as the free-soil party of

Kansas? Will the senator from Massachusetts vote for the bill introduced by the senator from New York to admit Kansas, at a time when she has not one-third of the requisite population, with such a constitution?

I do not wish to be misunderstood on this point. I object to the admission of Kansas at this time, and under existing circumstances, on entirely different grounds. I affirm the right of Illinois to put such a clause in her constitution. The people of Illinois had a right to do as they pleased on that subject. We tried slavery while a Territory, notwithstanding the ordinance of 1787, until we found that in our climate and with our productions it was not good for us to retain it, and for that reason we abolished and prohibited it. When we decided that Illinois should be a free State we also determined that it should be a white State. We did not believe in the equality of the negro with the white man, and hence were opposed to a mixture of the races. The constitution of Illinois was made by white men for the benefit of white men. The same principle of State rights and State equality which authorized Illinois to abolish slavery secured to each other State the privilege of retaining it if it chose. The same principle which authorized Illinois to exclude the free negro allows each other State to receive him if agreeable to her tastes and consistent with her interests. We are perfectly content with the practical operation of this great principle, which teaches the people of each separate community to mind their own business, and accord the same right to their neighbors. Hence I should have no controversy with the senator from New York, or his political associates, in regard to this particular clause in the Kansas constitution, did they not claim the right, and insist that it is their duty, to examine the provisions of the constitution of each State applying for admission, and then either to admit or reject the application, according as they may approve or disapprove the constitution. It is on this ground that they claim the right to inquire whether the constitution prohibits or protects slavery, and to vote for a free State and against a slave State. It was on this ground that the northern States voted against the admission of Missouri in 1821—one year after the adoption of the Missouri Compromise—because the constitution had a similar provision against free negroes to the one in the Kansas constitution. Hence I desire to learn from the senator from New York whether he and his sympathizing associates do really approve of a constitutional provision which shall deny to the negro forever, not merely the right to enjoy the same liberty accorded to the white man, but also the right to live and breathe within the limits of the proposed State of Kansas?

Mr. SEWARD. Will the honorable senator allow me to answer now?

Mr. DOUGLAS. Yes, sir.

Mr. SEWARD. I need scarcely inform the honorable senator that I do not approve of any such provision in any constitution in the world. I never did, and I never shall, vote to approve or sanction in any constitution, or in any law, a provision which tends to keep any man being, any member of the human family to which I belong, in a condition of degradation below the position which I occupy myself except for his own fault or crime.

Mr. DOUGLAS. The senator does not approve of this provision, and never can, for the reason that it does not put the negro on an equality with himself! Then, will he vote for admitting Kansas in this irregular manner, and without the requisite population, merely because he constitution has a provision which keeps slaves from going into the Territory, together with another clause "which tends to keep a man being a member of the human family to which he belongs—in a condition of degradation below the position which he occupies himself?" Yet, if he votes for his own bill to admit Kansas with the Topeka constitution, according to his own doctrine he does vote to saction a provision to keep the negro out altogether; he will not allow a negro to come in a condition either below him or above him!

Mr. SEWARD. You can take it either way—above or below.

Mr. DOUGLAS. Yes; he will exclude the negro absolutely if he is below or above him! He will insist upon having the negro upon a footing of entire and perfect equality with himself. Yet, if his bill passes, and Kansas is admitted with the constitution which has been formed and presented here, all negroes, both free and slave, are forever prohibited from entering the State of Kansas by the terms of the instrument. He cannot escape the responsibility of this result on the plea that he does not vote directly to endorse and sanction the constitution in all its parts; for his doctrine, and the doctrine of his party, is that they not only have the right, but that it is their duty, to examine the constitution in all its parts, and vote for it or against it, according as they approve or disapprove of its provisions, and especially those provisions which degrade the negro below the level of the white man. He must abandon all the principles to which his life has been devoted; he must abandon the creed of the party of which he is the acknowledged leader before he can vote for his own bill. The black republican party was organized and founded on the fundamental principle of perfect and entire equality of rights and privileges between the negro and the white man—an equality secured and guaranteed by a law higher than the Constitution of the United States. In your creed, as proclaimed to the world, you stand pledged against "the admission of any more slave States;"

To repeal the fugitive slave law;

To abolish the slave trade between the States;

To prohibit slavery in the District of Columbia;

To restore the prohibition on Kansas and Nebraska; and

To acquire no more territory unless slavery shall be first prohibited.

This is your creed, authoritatively proclaimed. I trust there is to be no evading or dodging the issue—no lowering of the flag. Let each party stand by its principles and the issues as you have presented them and we have accepted them. Let us have a fair, bold fight before the people, and then let the verdict be pronounced.

Mr. SEWARD. You will have it.

Mr. DOUGLAS. I rejoice in this assurance. I trust the senator will be able to bring his troops up to the line, and to hold them there. I trust there is to be no lowering of the flag—no abandonment or change of the issues. There are rumors afloat that you are about to strike your colors; that you propose to surrender each one of these issues, not because you do not profess to be right, but because you cannot succeed in the right; that you propose to throw overboard all the bold men who distinguished themselves in your service in fighting the anti-Nebraska fight, and to take a new man, who, in consequence of not being committed to either side, will be enabled to cheat somebody by getting votes from both sides! Rumor says that all your veteran generals who have received scars and wounds in the anti-Nebraska campaign are now considered unfit to command, and are to be laid aside in order to take up some new man who has not antagonized with the great principles of self-government and State equality. Rumors says that, in pursuance of this line of policy, you dare not allow your committees in the House of Representatives to bring in bills to redeem your pledges and carry out your principles; that there is to be no bill passed in your fusion House to repeal the Kansas-Nebraska act—none to repeal the fugitive-slave law—none to abolish the slave trade between the States—none to abolish slavery in the District of Columbia—none to redeem any one of your pledges, or carry out any one of your principles, upon which you secured a majority in the House by a fusion with northern know-nothingism. Rumor says that your committees were arranged with the view of keeping all these questions in the back ground until after the presidential election, in order that the agitation may be reopened with better prospects of success when power shall have been obtained under the auspices of a new man, who has not been crippled in the great battle. Would it not be a curious spectacle to see this great anti-Nebraska or black republican party—which, less than eighteen months ago, proclaimed a war of extermination, in which no quarter was to be granted or received, and no prisoners to be taken—skirmishing to avoid a pitched battle, and get an opportunity to retreat from the face of those whom they determined to hang and burn and torture with all the refine ents of cruelty which their vengeance could devise? Are the offices and patronage of government so much more important to you than your principles that you feel it your duty to sacrifice your creed, and the men identified with it, in order to get power? Are you prepared to ignore the material points in issue for fear that they will compromit you in the presidential election?

Mr. WADE. We will whip you then.

Mr. DOUGLAS. That remains to be seen. We are prepared to give you a fair fight on the issues you have tendered and we accepted. Let the presidential contest be one of principle alone; let the principles involved be distinctly stated and boldly met, without any attempts at concealment or equivocation; let the result be a verdict of approval or disapproval so emphatic that it connot be misunderstood. One year ago you promised us a fair fight in the open field upon the principles of the Kansas-Nebraska act! You then unfurled your banner and bore it aloft in the hands of your own favorite and tried leaders, with your principles emblazoned upon it? Are you now preparing to lower your flag—to throw overboard all your tried men who have rendered service in your cause—and issue a search warrant in hopes of finding a new man, who has not antagonized with anybody, and whose principles are unknown, for the purpose of cheating somebody by getting votes from all sorts of men? Let us have an open and a fair fight. [Applause in the galleries.]

The CHAIR. The galleries will be cleared if these demonstrations are renewed.

Mr. DOUGLAS. I will not pursue the subject further.